


Serial Number: 09/864,151
Attorney Docket Number: 06542.0037

REMARKS

In reply to the Office Action dated March 25, 2002, the non-fee period for reply extending through June 25, 2002, claims 1-9 and 11 have been amended and claims 10, 12, and 13 canceled without prejudice or disclaimer of the subject matter thereof. As a result, claims 1-9 and 11 are currently pending. Please consider the following remarks.

Applicants appreciate the courtesy and diligence of the Examiner in responding to the Applicants' request for clarification of the status of claims 5 and 7 in the current Office Action. In a telephone conversation on June 6, 2002, the Examiner indicated that although the detailed action states that claim 7 was rejected under 35 U.S.C. § 103, the Examiner intended for claim 5 to be rejected under § 103 and for claim 7 to be rejected under § 102. As a result, Applicants understand the Examiner to have rejected claims 1-4 and 6-13 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,836,671 to Chien ("Chien '671") and claim 5 under 35 U.S.C. § 103(a) as unpatentable over Chien '671 in view of U.S. Patent No. 6,082,867 to Chien ("Chien '867"). Applicants request that the Examiner acknowledge the verbal clarification of the disposition of claims 5 and 7 in a subsequent Office Action or other written communication so that the written record of this case is complete. The rejections are respectfully traversed for the following reasons.

To anticipate claims 1-4, 6-9, and 11 under 35 U.S.C. § 102(b), Chien '671 must disclose each and every feature recited in those claims. Chien '671, however, fails to disclose, at least, a case with a vibration-activated light emitting indication apparatus, comprising a case having a cover and a container; and a vibration-activated light emitting indication apparatus mounted on the cover of the case, as recited in independent claim 1.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER 

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com



Serial Number: 09/864,151
Attorney Docket Number: 06542.0037

Chien '671 discloses an electroluminescent light strip attached on a backpack or a waistpack. Though the Examiner asserts that Chien '671 teaches a "case [that] is a package box, a DVD box, or bag or a toy case," (Office Action, page 2) the portion cited by the Examiner (Col. 2, lines 25-31) describe the device as a backpack, waistpack, or "other bag or case designed to be suspended from the body of the wearer by a strap." (Chien '671, Col. 2, lines 25-31) As such, Chien '671 fails to disclose, at least, a case having a cover and a container and a vibration-activated light emitting indication apparatus mounted on the cover of the case as recited by independent claim 1. Therefore, because Chien '671 fails to disclose at least these features of independent claim 1, the § 102(b) rejection of that claim should be withdrawn and the claim allowed. Moreover, the rejection of claims 2-4, 6-9, and 11 are allowable at least by virtue of their dependence on allowable independent claim 1.

The Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Chien '671 in view of Chien '867. This rejection is respectfully traversed, because a *prima facie* case of obviousness has not been made by the Examiner.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, the reference or references, taken alone or in combination, must teach or suggest each and every element recited in the claims. See M.P.E.P. § 2143.03 (8th ed. 2001). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must "be found in the prior art, and not be based on applicant's disclosure." M.P.E.P. § 2143 (8th ed. 2001).

FINNEGAN
HENDERSON
FARABOW
CARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Serial Number: 09/864,151
Attorney Docket Number: 06542.0037

In this case, though the Examiner acknowledges that Chien '671 does not disclose a music IC to produce music, as recited in claim 5, the Examiner alleges that Chien '867 both teaches a music IC to produce music and provides motivation to combine it with the teachings of Chien '671. In doing so, the Examiner relies on the statement in Chien '867 that "[t]he changing color features of the three-dimensional electro-luminescent lighting element can be utilized in this application by making the color change responsive to sound, heat [sic], humidity, pressure or weight, music, or any other desired condition." (Chien '867, Col. 3, lines 40-45)

Chien '867, including the passage cited by the Examiner, fails to teach or suggest at least a music IC to produce music as recited by claim 5. The passage cited by the Examiner describes the possibility that the device can be responsive to sound. In no way does being *responsive* to sound teach or suggest a music IC to produce sound as recited in claim 5. Therefore, the combination of Chien '671 and Chien '867 fails to teach or suggest each and every element recited by claim 5. As a result, the rejection of claim 5 should be withdrawn and the claim allowed.

The amendments to the title, specification, claims, and abstract have been made to clarify certain aspects of the invention. All find support in the original specification. For example, page 2, line 15 of the specification as filed states that the vibration-activated light emitting indication apparatus "can be mounted on any type of cases." (Spec., Page 2, line 15) As a result, this amendment adds no new matter.

In view of the foregoing, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Serial Number: 09/864,151
Attorney Docket Number: 06542.0037

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 25, 2002

By: Richard V. Burgujian Reg # 24,014
for Reg No. 31,744

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER 

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com



Serial Number: 09/864,151
Attorney Docket Number: 06542.0037

ABSTRACT

The present invention discloses a case with a vibration-activated light emitting indication apparatus comprising a case and a light emitting indication apparatus. The light emitting indication apparatus includes an indicator plate, which is transparent and contains a pattern, including, for example, a logo, characters, and drawings; an electroluminescent laminate; a power supply, which powers the electroluminescent laminate; a vibration sensor IC, which senses the vibration caused by an external act of pressing or shaking on the case, and then controls an inverter to activate the electroluminescent laminate. The above-mentioned case can be a container with a cover, such as a DVD case, a watch box, a jewelry box and any other cases. The pattern on the transparent indicator plate can be highlighted by the light emitted from the electroluminescent laminate, achieving a vivid image such that the case is elaborately ornamented.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com



Serial Number: 09/864,151
Attorney Docket Number: 06542.0037

APPENDIX TO AMENDMENT
VERSION WITH MARKINGS TO SHOW CHANGES MADE

AMENDMENTS TO THE TITLE

The title is amended as follows:

CASE WITH VIBRATION-ACTIVATED LIGHT EMITTING INDICATION
APPARATUS[VIBRATION ACTIVATED LIGHT EMITTING INDICATION APPARATUS]

AMENDMENTS TO THE SPECIFICATION

On page 1, lines 5-8 are amended as follows:

The present invention relates to a case with a light emitting indication apparatus, and in particular, to a vibration-activated indication apparatus, which is that located on the surfaces of packages or any kind of cases and emits light when [as being] touched or [shacked] shaken by a user.

On page 1, lines 10-12 are amended as follows:

Currently, the cases for containing goods can just be beautified with a logo or a figure on their surfaces or shape [on their surface and shape or with logo]. Such superficial beautification of the surface and shape of the case turns out not quite attractive.

On page 1, lines 22-25 are amended as follows:

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Serial Number: 09/864,151
Attorney Docket Number: 06542.0037

An object of the present invention is to provide a case with a vibration-activated light emitting indication apparatus, which can be activated by vibrations caused by external pressing or shaking to the [apparatus] case and then shows the patterns on an indicator plate.

On page 1, lines 26-27 and continuing on page 2, lines 1-2, lines are amended as follows:

A further object of the present invention is to provide a case with a vibration-activated light emitting indication apparatus that can enhance sound and image effects of the decorated patterns on the surface of a package or any kind of cases.

On page 2, lines 3-14 are amended as follows:

To achieve the above purposes, the case with a vibration-activated light emitting indication apparatus of the present invention, [which is mounted on a case,] comprises[:] a case having a cover and a container; a vibration-activated light emitting indication apparatus, which is mounted on a surface of the case, including: an indicator plate, which is transparent and has a pattern [thereon]; a power supply; an electroluminescent laminate, which is situated beneath the indicator plate and can emit a light as powered by the power supply; and a control unit, connected to the power supply and the electroluminescent laminate, wherein the control unit connects the power supply to the electroluminescent laminate when it senses the [vibration caused by external pressing or shaking on the vibration-activated light emitting indication apparatus] vibrations of the case.

On page 2, lines 23-26 are amended as follows:

BRIEF DESCRIPTION OF THE [PATTERNS] FIGURES

Serial Number: 09/864,151
Attorney Docket Number: 06542.0037

The present invention will be described in [accidence] accordance with the accompanying figures, wherein:

Fig. 1 is a first embodiment of [the] a case with a vibration-activated light emitting indication apparatus of the present invention;

On page 3, lines 1-21 are amended as follows:

Fig. 2 is a second embodiment of [the] a case with a vibration-activated light emitting indication apparatus of the present invention; and

Fig. 3 is a block diagram of [the] a case with a vibration-activated light emitting indication apparatus of the present invention.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

Fig. 1 shows the first embodiment of the case with a vibration-activated light emitting indication apparatus in accordance with the present invention. As shown in Fig. 1, the indication apparatus of the present invention is located on a surface of a DVD [box 10] case 10, and it can be activated by the vibration caused by external act of pressing or shaking on the DVD [box 10] case 10. On the surface of the DVD [box 10] case 10, the pattern on an indicator plate 11 can be highlighted by a light that is emitted from an electroluminescent laminate. The indicator plate 11 may be made out of a transparent material with patterns intended to be shown thereon. The present invention can also have a variety of the indicator plates changing the light emitting essences of electroluminescent laminate, such as single flicking, multiple flicking, flicking frequency, different colors, and so on.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Serial Number: 09/864,151
Attorney Docket Number: 06542.0037

Fig. 2 shows a second embodiment of the case with a vibration-activated light emitting indication apparatus in accordance with the present invention. An indicator plate 21 is mounted on any surfaces on a DVD [box 20] case 20, if desired.

On page 4, lines 3-9 are amended as follows:

Fig. 3 is a block diagram of the case with a vibration-activated light emitting indication apparatus of the present invention. A power supply, which includes a driving circuit and batteries, can power to electrodes of electroluminescent laminate to emit a light. Moreover, the power supply may be designed for several different power supply modes, such as consecutive power supply or intermittent power supply, to obtain different effects, such as flicking of the indicator plate.

Beginning on page 4, lines 26-30 and continuing on page 5, lines 1-9, please amend the text as follows:

Given the above, [a] the case with a vibration-activated light emitting apparatus can be obtained by combining a power supply and a main structure, which includes the case, the indicator plate, the vibration sensor IC, the electroluminescent laminate, and the inverter. The case can be a package for a variety of goods, such as a DVD [box] case, a watch case, a jewelry box, and a stationery case. Furthermore, the indicator plate can be mounted on any arbitrary surfaces of the case, such as the inside or the outside of the case. The image effect may be exhibited together with a musical effect. Also, the consecutive multicolored flicking of the electroluminescent laminate may further highlight the patterns of animals or cartoon, logos,

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Serial Number: 09/864,151
Attorney Docket Number: 06542.0037

characters or any other features intended to be shown. The variety of changes derived from similar ideas is included in the present invention.

AMENDMENTS TO THE CLAIMS

1. [A vibration-activated light emitting indication apparatus, which is mounted on a surface of a case to increase the attractiveness of the case, comprising:

an indicator plate, which is transparent and has a pattern;

a power supply;

an electroluminescent laminate, which is situated beneath the indicator plate and can emit a light as powered by the power supply; and

a control unit, connected to the power supply and the electroluminescent laminate, wherein the control unit connects the power supply to the electroluminescent laminate when it senses the vibration of the apparatus.] A case with a vibration-activated light emitting indication apparatus, comprising,

a case having a cover and a container; and

a vibration-activated light emitting indication apparatus mounted on the cover of the case,

including:

(a) an indicator plate, which is transparent and has a pattern;

(b) a power supply;

(c) an electroluminescent laminate situated beneath the indicator plate and being capable of emitting a light as powered by the power supply; and

(d) a control unit for connecting the power supply to the electroluminescent laminate when a vibration of the case is sensed.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Serial Number: 09/864,151
Attorney Docket Number: 06542.0037

2. The [apparatus] case according to Claim 1, wherein the electroluminescent laminate is a laminate of single color or multi color.

3. The [apparatus] case according to Claim 1, wherein the electroluminescent laminate emits the light [at a time] continuously or emits the light intermittently.

4. The [apparatus] case according to Claim 1, wherein the control unit further comprises a vibration sensor IC and an inverter.

5. The [apparatus] case according to Claim 1, wherein the control unit further comprises a music IC to produce [a] music.

6. The [apparatus] case according to Claim 1, wherein the power supply is a battery.

7. The [apparatus] case according to Claim 1, wherein [after] a predetermined number of [plural] clock pulses [when] after the electroluminescent laminate emits the light, the control unit disconnects the power supply from the electroluminescent laminate.

8. The [apparatus] case according to Claim 1, wherein the pattern is a logo.

9. The [apparatus] case according to Claim 1, wherein the pattern is a pattern of at least one of an animal or a cartoon character.



Serial Number: 09/864,151
Attorney Docket Number: 06542.0037

11. The apparatus according to Claim 1, wherein the case is a DVD [box] case or CD case.

AMENDMENTS TO THE ABSTRACT

The Abstract is amended as follows:

The present invention discloses a case with a vibration-activated light emitting indication apparatus comprising a case and a light emitting indication apparatus. The light emitting indication apparatus includes an indicator plate, [: a case or a carrier; an indicator plate,] which is transparent and contains a pattern, including, for example, a logo, characters, and drawings; an electroluminescent laminate; a power supply, which powers the electroluminescent laminate; a vibration sensor IC, which senses the vibration caused by an external act of pressing or shaking on the [apparatus] case, and then controls an inverter to activate the electroluminescent laminate. The above-mentioned [apparatus] case can be a container with a cover, [may be mounted on any case,] such as a DVD [box] case, a watch box, a jewelry box and any other cases. The pattern on the transparent indicator plate can be highlighted by the light emitted from the electroluminescent laminate, achieving a vivid image such that the case is elaborately ornamented.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com